

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BRAND DESIGN COMPANY, INC.,
Plaintiff,

CIVIL ACTION

v.

RITE AID CORPORATION, NAME
RITE, LLC, GA COMMUNICATIONS,
INC., d/b/a PURERED CREATIVE, LLC,
AND BURNS GROUP, NYC, LLC,
Defendants.

NO. 22-1174

ORDER

AND NOW, this 26th day of August, 2022, upon consideration of Defendant GA Communications, Inc. d/b/a PureRED Creative, LLC's ("PureRED") Motion to Dismiss (ECF No. 24), Plaintiff's Opposition thereto (ECF No. 48), PureRED's Reply (ECF No. 57), and Plaintiff's Sur-Reply (ECF No. 64); of Defendants Burns Group, NYC, LLC's ("Burns Group") Motion to Dismiss (ECF No. 26), Plaintiff's Opposition thereto (ECF No. 50), Burns Group's Reply (ECF No. 59), and Plaintiff's Sur-Reply (ECF No. 64); and of Defendant Rite Aid Corporation and Defendant Name Rite, LLC's (collectively, "Rite Aid Corp.") Motion to Dismiss (ECF No. 33), Plaintiff's Opposition thereto (ECF No. 47), Rite Aid Corp.'s Reply (ECF No. 56), and Plaintiff's Sur-Reply (ECF No. 64); it is **HEREBY ORDERED THAT**:

1. Burns Group's Motion is **DENIED**.
2. PureRED's Motion is **GRANTED** as to Plaintiff's breach of contract claim, which is **DISMISSED WITHOUT PREJUDICE**.
3. In all other respects, PureRED's Motion is **DENIED**.
4. Rite Aid Corp.'s Motion is **GRANTED** as to Plaintiff's common law unfair competition and reverse passing off claim, which is **DISMISSED WITHOUT PREJUDICE**;

5. Rite Aid Corp.'s Motion is **GRANTED** as to Plaintiff's false or fraudulent registration claim, which is **DISMISSED WITH PREJUDICE**.
6. In all other respects, Rite Aid Corp.'s Motion is **DENIED**.

BY THE COURT:

/s/ Hon. Wendy Beetlestone

WENDY BEETLESTONE, J.